



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Ordinance No. 1863 Entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 515 South Lower Sacramento Road (APN 027-400-09) Planned Development 35 (PD-35) from R-1, C-S, and R-C-P"

**MEETING DATE:** October 3, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1863.

**BACKGROUND INFORMATION:** Ordinance No. 1863 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcel Located at 515 South Lower Sacramento Road (APN 027-400-09) Planned Development 35 (PD-35) from R-1, C-S, and R-C-P," was introduced at the regular City Council meeting of September 19, 2012.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**  
This ordinance has been approved as to form by the City Attorney.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

A handwritten signature in black ink, appearing to be "Randi Johl".

Randi Johl  
City Clerk

RJ/jmr  
Attachment

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APPROVED: \_\_\_\_\_

Konradt Bartlam, City Manager

ORDINANCE NO. 1863

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE  
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY  
REZONING THE PARCEL LOCATED AT 515 SOUTH LOWER  
SACRAMENTO ROAD (APN 027-400-09) PLANNED DEVELOPMENT  
35 (PD-35) FROM R-1, C-S, AND R-C-P

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The parcel located at 515 South Lower Sacramento Road (APN 027-400-09) is hereby rezoned as follows:

9.3 acres - 515 South Lower Sacramento Road (APN 027-400-09) from R-1 (single family residence), C-S (Commercial Shopping), and R-C-P (Residential, Commercial and Professional) to Planned Development 35, as shown on the Vicinity Map, on file in the office the City Clerk.

Section 2. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.


Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of the ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 3<sup>rd</sup> of October, 2012

  
JOANNE MOUNCE  
Mayor

Attest:



RANDI JOHL  
City Clerk

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State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1863 was introduced at a regular meeting of the City Council of the City of Lodi held September 19, 2012, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held October 3, 2012, by the following vote:

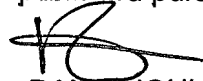
AYES: COUNCIL MEMBERS – Hansen, Johnson, Katzakian, Nakanishi,  
and Mayor Mounce

NOES; COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

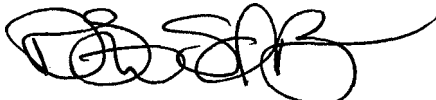
ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1863 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



RANDI JOHL  
City Clerk

Approved as to Form:



D. STEPHEN SCHWABAUER  
City Attorney